IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1963 OF 2005

Sanjay Sitaram Khemka ...Applicant

Versus

State of Maharashtra & Ors ...Respondents

.....

Mr. Sanjay Khemka, Applicant in person.

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 12TH AUGUST, 2005

P. C.:-

1. Heard the applicant who is present in person and the learned A.P.P. for the respondents.

2. The applicant is seeking quashing of chapter case No. 36 of 2004 which has been initiated against him under Section 110 (D) (G) of Cr.P.C. The said proceedings have been initiated by the respondent No.2 and it is pending before the Special Executive Magistrate, D.N. Nagar Division, Andheri (W). It is an admitted fact that the said proceedings were initiated on 6.12.2004. It is also an admitted fact that till today the proceedings have not been completed nor has the period of six months been extended. Section 116 (6) of Cr.P.C. clearly

provides that the inquiry shall be completed within a period of six months from the date of its commencement, and if such inquiry is not so completed within the said period, the proceedings shall stand terminated. Admittedly, the period of six months has not been extended and admittedly the period of six months since the inquiry has started is over. In this view of the matter, I am inclined to quash the proceedings relating to chapter case No.36 of 2004. Hence, the chapter case No.36 of 2004 and the proceedings relating thereto are quashed.

3. Application is allowed.

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